

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): **Guillermo A. ALVAREZ et al.**

Confirmation No.: 1174

Application No.: **09/843,882**

Examiner: **Yigdall, Michael**

Filing Date: **April 30, 2001**

Group Art Unit: **2192**

Title: **METHOD AND SYSTEM FOR ONLINE DATA MIGRATION ON STORAGE SYSTEMS WITH PERFORMANCE GUARANTEES**

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, March 22, 2005, rejecting the following claims 1-23.
The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.138(a) apply.

() (a) Applicant petitions for an extension of time under 37 CFR 1.138 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

- | | |
|---------------------------------------|-----------|
| <input type="checkbox"/> one month | \$120.00 |
| <input type="checkbox"/> two months | \$450.00 |
| <input type="checkbox"/> three months | \$1020.00 |
| <input type="checkbox"/> four months | \$1590.00 |

() The extension fee has already been filed in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.26. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.18 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

() I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
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22313-1450. Date of Deposit: April 1, 2005
OR

(X) I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (703) 672-9308 on April 1, 2005

Number of pages: 3

Typed Name: Judy M. Chang

Respectfully submitted,

Guillermo A. ALVAREZ et al.

By



Timothy B. Kang

Attorney/Agent for Applicant(s)

Reg. No. 46,423

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